

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE UNITED STATES OF AMERICA,

Criminal No. 17-20183

Plaintiff,

HON. MARK A. GOLDSMITH

v.

- D-2 JANETTE GAGGO TAWFIK,
- D-3 SHELVIE LEWIS AVERY,
a/k/a "Q,"
- D-4 TERRY PRUITT,
a/k/a "T,"
- D-5 HAROLD LASHAWN NERO,
a/k/a "NEPHEW,"
- D-6 MICHAEL ANTHONY RANDOL,
a/k/a "MAN,"
- D-7 CHARLES THOMAS FORD JR.,
A/K/A "CHUCK D,"
- D-8 JACK HANA YAKO,
- D-9 KEMAL GABRAIL,

Defendants.

**STIPULATION FOR ORDER PROVIDING FOR DISCOVERY
PROCEDURES AND FOR EXCLUDABLE DELAY AND TO SET DATES**

Counsel for Defendants Janette Gaggo Tawfik, Shelvie Lewis Avery, Terry Pruitt, Harold Lashawn Nero, Michael Anthony Randol, Charles Thomas Ford Jr., Jack Hana Yako, and Kemal Gabrail (the "Defense Counsel"), and the government, participated in a status conference before the Court on November 14, 2017. The

parties discussed case management, discovery, and Speedy Trial issues before the Court, which were to be set forth in writing as follows.

The parties agree and stipulate, as they did at the November 14, 2017 status conference, to all of the following:

1. The Defense Counsel, along with their discovery coordinator, Christopher Antone, will schedule and conduct a discovery conference with Robert J. Ranz, Sixth Circuit Case Budgeting Attorney, and provide a letter summarizing the results of that meeting to the Court no later than November 28, 2017. The Defense Counsel will copy the government on that letter.
2. The government will make a good faith effort to provide the Defense Counsel with an ongoing list of video segments that it intends to introduce at trial from among the approximately 15,000 hours of video surveillance from the Victory Inn's internal surveillance system (the "Internal Video"). The purpose of this list (the "Video List") is to provide the Defense Counsel with a reasonable guide for reviewing the total Internal Video and does not relieve the Defense Counsel of any obligations they might have to prepare their defense(s).

3. The government will make a good faith effort to provide the first installment of the Video List three months from November 14, 2017, which is February 14, 2018. The government will make a good faith effort to provide the second—and potentially final—installment of the Video List three months from February 14, 2018, which is May 14, 2018. The parties recognize that the May 14, 2018 date is not a “cut-off,” and that the government may still be in the process of reviewing the Internal Video and compiling the Video List segments it intends to introduce at trial. The May 14, 2018 date does not preclude the government from continuing to review the Internal Video and the government will provide additional lists every 90 days as it completes its review and assessment of the Internal Video.

The parties further agree and stipulate, as they did at the November 14, 2017 status conference, that there is good cause to adjourn this matter, and for the Court to set a status conference for May 23, 2018, at 2:00 p.m., where the Court will assess the state of discovery and may set new motion, plea hearing, and trial dates. *See* 18 U.S.C. §3161. This extension of time is necessary to allow the parties to investigate the facts of this case further, to obtain and review voluminous discovery, to engage in plea negotiations, and because the failure to grant such a continuance would

unreasonably deny Defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Defendants concur in this request and agree that it is in their best interest.

The parties also stipulate and agree that this stipulation and any order resulting therefrom shall not affect any previous order of pretrial detention or bond unless modified by further order of the Court.

s/ Jerome F. Gorgon Jr.
Assistant United States Attorney
211 West Fort Street, Ste. 2001
Detroit, MI 48226
jerome.gorgon@usdoj.gov
(313) 226-9676

s/ Richard H. Morgan Jr. w/permission
Attorney for Mr. Avery
485 Orchard Lake Rd, Ste. 203
Pontiac, MI 48341
rhm_jr@msn.com
(248) 334-8970

s/ S. Allen Early III w/permission
Attorney for Mr. Pruitt
65 Cadillac Square, Ste. 2810
Detroit, MI 48226
salleneearly@salleneearly.comcastbiz.net
(313) 962-2320

s/ Michael S. Friedman w/permission
Attorney for Ms. Tawfik Gaggo
2833 Crooks Rd., Ste. 104
Troy, MI 48084
friedman364@aol.com
(248) 258-2833

s/ Nicholas J. Venditti w/permission
Attorney for Mr. Randol
6053 Chase Road
Dearborn, MI 48126
mayjusticeprevail@gmail.com
(313) 565-2400

s/ Mark H. Magidson w/permission
Attorney for Mr. Nero
615 Griswold, Ste. 810
Detroit, MI 48226
mmag100@aol.com
(313) 963-4311

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s/ Doraid B. Elder w/permission
Attorney for Mr. Yako
1360 Porter Street, Suite 200
Dearborn, MI 48124
doraidelderpc@gmail.com
(313) 582-5800

s/ Marlon B. Evans w/ permission
Attorney for Charles Thomas Ford Jr.
3434 Russell St.
Detroit, MI 48226
MarlonBEvans.assoc@sbcglobal.net
(313) 962-2335

s/ David M. Burgess w/permission
Attorney for Kemal Gabrail
1360 Porter, Suite 260
Dearborn, MI 48124
david29_1999@yahoo.com
(313) 961-4382

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THE UNITED STATES OF AMERICA,

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D-8 JACK HANA YAKO,
D-9 KEMAL GABRAIL,

Defendants.

**ORDER PROVIDING FOR DISCOVERY PROCEDURES AND
FOR EXCLUDABLE DELAY AND TO SET DATES**

This matter coming before the court on the stipulation and agreement of the parties, **it is hereby ORDERD** that:

- 1. Defense Conference with Sixth Circuit Case Budgeting Attorney Robert J. Ranz**

Counsel for Defendants Janette Gaggo Tawfik, Shelvie Lewis Avery, Terry Pruitt, Harold Lashawn Nero, Michael Anthony Randol, Charles Thomas Ford Jr.,

Jack Hana Yako, and Kemal Gabrail (the “Defense Counsel”), along with their discovery coordinator, Christopher Antone, will schedule and conduct a discovery conference with Robert J. Ranz, Sixth Circuit Case Budgeting Attorney, and provide a letter summarizing the results of that meeting to the Court no later than November 28, 2017. The Defense Counsel will copy the government on that letter.

2. Government’s Rolling Review of the Victory Inn’s Internal Surveillance System

The government will make a good faith effort to provide the Defense Counsel with an ongoing list of video segments that it intends to introduce at trial from among the approximately 15,000 hours of video surveillance from the Victory Inn’s internal surveillance system (the “Internal Video”). The purpose of this list (the “Video List”) is to provide the Defense Counsel with a reasonable guide for reviewing the total Internal Video and does not relieve the Defense Counsel of any obligations they might have to prepare their defense(s).

3. Schedule for the Government’s Rolling Review of the Victory Inn’s Internal Surveillance System

The government will make a good faith effort to provide the first installment of the Video List three months from November 14, 2017, which is February 14, 2018. The government will make a good faith effort to provide the second—and potentially final—installment of the Video List three months from February 14, 2018, which is May 14, 2018. The parties recognize that the May 14, 2018 date is

not a “cut-off,” and that the government may still be in the process of reviewing the Internal Video and compiling the Video List segments it intends to introduce at trial. The May 14, 2018 date does not preclude the government from continuing to review the Internal Video and the government will provide additional lists every 90 days as it completes its review and assessment of the Internal Video.

4. Adjournment of Dates and New Dates

Good cause exists to adjourn this matter, and for the Court to set a status conference for May 23, 2018, at 2:00 p.m., where the Court will assess the state of discovery and may set new motion, plea hearing, and trial dates. *See* 18 U.S.C. §3161.

5. Time Excluded under Speedy Trial Act

The period from November 14, 2017 to May 23, 2018, shall be excluded from computing the time within which a trial must begin because the time is necessary to allow the parties to investigate the facts of this case further, to obtain and review voluminous discovery, to engage in plea negotiations, and because the failure to grant such a continuance would unreasonably deny Defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and because the ends of justice served by such continuance outweigh the interests of the public and Defendants in a speedy trial. *See* 18 U.S.C. § 3161.

6. Detention Orders

The detention and bond orders in this case remain in full force and effect unless modified by further order of the Court.

SO ORDERED.

Dated: December 5, 2017
Detroit, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 5, 2017.

s/Karri Sandusky
Case Manager